

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Shadman Khan	Team: Squad #12	CCRB Case #: 202102582	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/23/2020 9:03 PM	Location of Incident: § 87(2)(b)	Precinct: 48	18 Mo. SOL 11/23/2021	EO SOL 5/4/2022	
Date/Time CV Reported Sun, 04/25/2021 1:02 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 04/25/2021 1:02 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. PO Richard Kissane	30366	967143	048 PCT
2. POF Kimberly Rose	20482	963245	048 PCT
3. PO Nicole Krauss	03187	961535	048 PCT
4. PO Nazim Karim	28632	944074	048 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Geoffrey Byrne	00877	939956	TRN BUR

Officer(s)	Allegation	Investigator Recommendation
A. PO Nazim Karim	Force: Police Officer Nazim Karim used physical force against § 87(2)(b)	§ 87(2)(b)
B. PO Nazim Karim	Abuse: Police Officer Nazim Karim damaged § 87(2)(b) property.	§ 87(2)(b)
C. PO Nazim Karim	Abuse: Police Officer Nazim Karim entered § 87(2)(b) in the Bronx.	§ 87(2)(b)
D. PO Richard Kissane	Abuse: Police Officer Richard Kissane entered § 87(2)(b) in the Bronx.	§ 87(2)(b)
E. PO Nicole Krauss	Abuse: Police Officer Nicole Krauss entered § 87(2)(b) in the Bronx.	§ 87(2)(b)
F. POF Kimberly Rose	Abuse: Police Officer Kimberly Rose entered § 87(2)(b) in the Bronx.	§ 87(2)(b)
G. PO Richard Kissane	Force: Police Officer Richard Kissane used physical force against § 87(2)(b)	§ 87(2)(b)
H. PO Nicole Krauss	Force: Police Officer Nicole Krauss used a non-lethal restraining device on § 87(2)(b)	§ 87(2)(b)

## Case Summary

On April 25, 2021, § 87(2)(b) filed this complaint through the CCRB online website.

On May 23, 2020, at approximately 9:03p.m., inside § 87(2)(b) in the Bronx, § 87(2)(b) was in his bedroom in a shared apartment when he heard a bang on his bedroom door. § 87(2)(b) opened the bedroom door partially and saw PO Nazim Karim, PO Kimberly Rose, PO Richard Kissane, and PO Nicole Krauss from the 48<sup>th</sup> Precinct. PO Karim and PO Kissane repeatedly instructed § 87(2)(b) to step out of his room. § 87(2)(b) refused and closed the bedroom door. PO Karim attempted to open the door, hitting § 87(2)(b) on the left shoulder (**Allegation A: Force**, § 87(2)(g)). PO Karim then broke the locks on the door and opened it (**Allegation B: Abuse of Authority**, § 87(2)(g)). PO Karim, PO Kissane, PO Krauss, and PO Rose entered the bedroom (**Allegation C: Abuse of Authority**, § 87(2)(g)). (**Allegation D: Abuse of Authority**, § 87(2)(g)). PO Kissane grabbed § 87(2)(b) by the arms and chest area and pushed him onto the bed (**Allegation G: Force**, § 87(2)(g)). PO Krauss used a taser on § 87(2)(b) (**Allegation H: Force**, § 87(2)(g)). § 87(2)(b) was arrested as a result of this incident and charged with menacing in the third degree.

The investigation received Body Worn Camera (BWC) footage regarding this incident (Board Review 01- Board Review 14; summarized in Board Review 15- Board Review 28).

## Findings and Recommendations

**Allegation (A) Force: Police Officer Nazim Karim used physical force against § 87(2)(b)**

**Allegation (B) Abuse of Authority: Police Officer Nazim Karim damaged § 87(2)(b) property.**

It is undisputed that on May 23, 2020, at approximately 9:03p.m., PO Karim, PO Rose, PO Kissane, and PO Krauss responded to a 911 request for assistance at § 87(2)(b) in the Bronx and were allowed to enter the apartment by a resident. The officers stood outside of § 87(2)(b) bedroom and requested that he exit the bedroom. It is also undisputed that § 87(2)(b) closed the door on the officers as they spoke to him.

A request for an Event associated with this case yielded negative results (Board Review 48). The investigation received Complaint Report § 87(2)(b) (Board Review 39) regarding this incident. According to the report, § 87(2)(b) reported to police that on May 23, 2020, at 7:35p.m., she got into a verbal dispute with § 87(2)(b) regarding him leaving the apartment when § 87(2)(b) went into the kitchen, got a knife, and stated, “I’m not going anywhere this is my fucking house and imma get people to beat you up.”

In § 87(2)(b) statement to the CCRB (Board Review 29), he explained that he resided in § 87(2)(b) in the Bronx. § 87(2)(b) stayed in one of the three bedrooms in that apartment. § 87(2)(b) stated that he was in in bedroom watching YouTube videos on his computer at the time of the incident. § 87(2)(b) heard a bang on his bedroom door, so he approached it and partially opened the door. § 87(2)(b) saw approximately five officers outside of his door. § 87(2)(b) heard PO Karim instruct § 87(2)(b) to open the door and step outside. § 87(2)(b) refused to step outside his bedroom. § 87(2)(b) asked the officers why they were there but did not receive any answers. After approximately two minutes of this interaction, § 87(2)(b) closed the bedroom door. § 87(2)(b) heard an officer state they would have to break the door down. § 87(2)(b) stood near the door when officers first attempted to open the door. The first time the officers attempted to open the door, the door hit § 87(2)(b) on the left shoulder. § 87(2)(b)

§ 87(2)(b) then stepped back and a few seconds later, an officer opened the bedroom door by breaking the door lock. The lock on the bedroom door was the only thing that was broken. § 87(2)(b) did not provide any proof of property damage.

In PO Kissane's BWC (Board Review 04), at approximately 01m15s in the recording, § 87(2)(b) is seen standing inside of a bedroom and speaking to PO Karim and PO Rose. PO Karim instructs § 87(2)(b) to step out of the bedroom. § 87(2)(b) does not comply and closes the bedroom door. PO Karim attempts to turn the handle to open the door but is not able to open the door. At 01m26s, PO Karim pushes against the door, which opens slightly. The door appears to be obstructed by something and the door immediately closes shut again. It is unclear if the door hit § 87(2)(b) at the time. PO Karim instructs § 87(2)(b) to open the door. § 87(2)(b) states, "You're violating my rights. I know my rights," as PO Kissane steps toward the door. Both PO Karim and PO Kissane attempt to turn the door handle but are unable to open the door. At 01m46s, PO Karim places his left hand on the top of the door, which opens immediately. The door swings inward and § 87(2)(b) is seen stepping backwards. The door does not hit § 87(2)(b) during this time.

PO Karim's BWC video (Board Review 01) is identical to PO Kissane's BWC. At approximately 04m08s, § 87(2)(b) closes the door and PO Karim moves toward the door. PO Karim appears to push the door, which does not open. The video does not show if § 87(2)(b) was hit when PO Karim attempted to open the door. At 04m31s, the door opens, and § 87(2)(b) can be seen holding up a cellphone and stepping backwards. The door does not appear to be damaged.

In PO Karim's statement to the CCRB (Board Review 31), he stated that he received a radio call regarding a dispute with a knife at § 87(2)(b). The call informed PO Karim that a female caller, identified by the investigation as § 87(2)(b), stated a roommate identified by the investigation as § 87(2)(b) had pulled a knife out on her. When PO Karim first responded to the location, § 87(2)(b) and another female opened the door to the apartment. § 87(2)(b) informed PO Karim that § 87(2)(b) had rented out one of the rooms inside of the apartment for the past four years. § 87(2)(b) also reiterated her complaint that § 87(2)(b) pulled a knife out on § 87(2)(b). § 87(2)(b) was to be placed under arrest due to menacing with a knife and because the victim of the call was also present at the same location. § 87(2)(b) pointed out the bedroom, allowing PO Karim to enter. PO Karim entered and approached the bedroom door. PO Karim knocked on the door until § 87(2)(b) partially opened the door. PO Karim was not sure if § 87(2)(b) had a knife in his hand because half of his body was not visible behind the door. PO Karim instructed § 87(2)(b) to step out of the bedroom multiple times, but § 87(2)(b) refused. After a few moments, § 87(2)(b) showed both hands, but then closed the door. PO Karim knocked on the door multiple times and instructed § 87(2)(b) to open the door. § 87(2)(b) did not comply with any of the instructions. After some time, § 87(2)(b) himself opened the door. No locks were broken to open the door. § 87(2)(b) did not complain of any broken locks or broken doors at the time.

PO Rose's statement was corroborative of PO Karim's statement regarding the initial response to the job (Board Review 37). According to PO Rose, one officer turned the doorknob of the door and the door was opened. PO Rose did not remember if any officers used any physical force to try and open the door to the room.

In PO Kissane's statement to the CCRB (Board Review 33), he responded to the incident location with PO Krauss in order to back Patrol Sector A, which included PO Karim and PO Rose. Once inside of the apartment, § 87(2)(b) closed the door to his bedroom. PO Kissane felt that the door was locked at the time. After a few moments, the door opened. PO Kissane did not know how the door opened and could not explain what happened that caused the door to open. No force was used

to open the door. PO Kissane it was possible that § 87(2)(b) opened the door and let the officers inside.

PO Krauss' statement was corroborative of PO Kissane's statement regarding the initial response to the incident location (Board Review 35). Once inside of the apartment, multiple officers instructed § 87(2)(b) to exit his room. § 87(2)(b) then closed the door on the officers. PO Krauss did not know if the door was locked at the time. PO Kissane opened the door by turning the doorknob.

The statements provided by § 87(2)(b) PO Karim, and BWC video are consistent until the point where § 87(2)(b) closes the door. § 87(2)(b) alleged that PO Karim opened the door in a manner that caused the door to strike him. PO Kissane's BWC video captures the moment when PO Karim first attempted to open the door, causing it to open briefly. However, the door failed to open because it appeared to be obstructed by an unknown object. The BWC footage does not capture what this object is. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

The statements provided by § 87(2)(b) and PO Karim conflict on whether PO Karim caused damage to the door when he opened it. PO Kissane stated that the door opened at one point but could not explain how it opened. PO Rose and PO Krauss both stated that an officer turned the doorknob and opened the door. All officers agree that no physical force was used to open the door. The moment the door opens entirely is also captured on PO Kissane's BWC video. PO Karim appears to place his left hand on the door and does not appear to apply significant pressure when the door swings open. While § 87(2)(b) is seen stepping back and away from the door, it is unclear if he opened the door for the officers or stepped back in response to the door being opened. The BWC does not capture visible damage to the door. § 87(2)(b) did not provide the investigation with proof that the door was damaged. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

**Allegation (C) Abuse of Authority: Police Officer Nazim Karim entered § 87(2)(b) in the Bronx.**

**Allegation (D) Abuse of Authority: Police Officer Richard Kissane entered § 87(2)(b) in the Bronx.**

**Allegation (E) Abuse of Authority: Police Officer Nicole Krauss entered § 87(2)(b) in the Bronx.**

**Allegation (F) Abuse of Authority: Police Officer Kimberly Rose entered § 87(2)(b) in the Bronx.**

It is undisputed that on the date of the incident, PO Karim, PO Rose, PO Kissane, and PO Krauss entered § 87(2)(b) bedroom. § 87(2)(b) was present in the apartment at the time of entry.

According to § 87(2)(b) after his door was forced opened, multiple officers asked § 87(2)(b) to step out of the bedroom and gestured with their hands to go toward them. Immediately afterwards, PO Karim, PO Kissane, and PO Krauss entered the bedroom.

In PO Karim's BWC video, at 04m33, PO Karim is heard instructing § 87(2)(b) to walk towards the officers by stating, "Come on," and gesturing a hand toward himself. None of the officers appear to enter the bedroom. § 87(2)(b) steps further back into the room while stating, "I know my rights." Both PO Karim and PO Kissane walk past the entrance of the door and move toward § 87(2)(b). Both officers enter the bedroom at this time.

In PO Krauss' BWC video (Board Review 03), at 02m30, both PO Karim and PO Kissane enter § 87(2)(b) bedroom a few moments after the door is opened. PO Rose is then seen entering the room behind them, followed by PO Krauss.

According to PO Karim, § 87(2)(b) had to be placed under arrest due to a 911 call which alleged that § 87(2)(b) had menaced § 87(2)(b) with a knife, and because § 87(2)(b) was also present at the location. Once § 87(2)(b) himself opened the door, both he and PO Kissane entered the bedroom to arrest § 87(2)(b). While the entire apartment belonged to § 87(2)(b) the bedroom itself belonged to § 87(2)(b) and was considered a private premise since he rented the room out. PO Rose and PO Krauss entered the bedroom after PO Karim and PO Kissane did.

In PO Kissane's statement to the CCRB (Board Review 33), he stated that he was informed that § 87(2)(b) was to be placed under arrest. PO Kissane did not know if the room § 87(2)(b) was in was rented out. Once the door was opened, § 87(2)(b) refused to show his hands, waved his arms in the air, and acted erratically. PO Kissane, PO Krauss, PO Karim, and PO Rose all entered the bedroom at this time.

In PO Krauss' statement to the CCRB (Board Review 35), she that that she did not know if § 87(2)(b) was a tenant at the location or if he legally rented or owned the bedroom he was in. PO Kissane opened the door by turning the doorknob. Once open, PO Krauss saw § 87(2)(b) standing near his bed. PO Karim, PO Rose, PO Kissane, and PO Krauss entered the room once the bedroom door was fully open in order to place handcuffs on § 87(2)(b).

In PO Rose's statement to the CCRB (Board Review 37), an officer turned the doorknob and the door to § 87(2)(b) room was opened. Once open, she, PO Krauss, PO Karim, and PO Kissane all entered the room. Officers entered the room in order to arrest § 87(2)(b) due to the allegation that he menaced someone with a knife. Officers entered only to arrest § 87(2)(b) and for no other reason.

The investigation received Complaint Report § 87(2)(b) (Board Review 39) regarding this incident. According to the report, on May 23, 2020 at 7:35p.m., the victim got into a verbal dispute with § 87(2)(b) regarding leaving the apartment when § 87(2)(b) went into the kitchen, got a knife, and stated, "I'm not going anywhere this is my fucking house and imma get people to beat you up." The victim and § 87(2)(b) lived together for approximately four years. The report classified the incident as menacing and reported § 87(2)(b) arrest on the same date.

In his CCRB statement, § 87(2)(b) informed the investigation that the court dismissed the criminal charges against him. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

NYPD officers may make an arrest without a warrant for a crime (within presence or not) and reasonable cause exists that arrested person committed the crime. Patrol Guide Procedure 208-01: Law of Arrest (Board Review 40).

Police may proceed without a warrant to effectuate an arrest within a home if exigent circumstances exist to justify a warrantless entry. In determining whether exigent circumstances are present, the federal and state courts applied a number of factors, including: The gravity or violent nature of the offense with which the suspect is to be charged, a clear showing of probable cause to believe that the suspect committed the crime, and a strong reason to believe that the suspect is in the premises being entered. Additionally, the police themselves cannot by their own conduct create an

appearance of exigency. People v McBride 14 N.Y.3d 440 (2010) (Board Review 41).

§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(b) the victim of  
the alleged menacing offense, affirmed to officers that § 87(2)(b) had menaced her, § 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
Finally, § 87(2)(b) initially opened the door  
and answered the officers, giving officers a strong reason to believe that § 87(2)(b) was inside of  
the bedroom. § 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)

**Allegation (G) Force: Police Officer Richard Kissane used physical force against § 87(2)(b)**

According to § 87(2)(b) once officers entered his bedroom, PO Kissane walked past PO Karim and PO Krauss and pushed § 87(2)(b) onto the bed face-first by pushing his arms and chest/neck area. § 87(2)(b) breathing was not restricted at any point and PO Kissane did not manage to grip any part of § 87(2)(b) body.

In PO Karim's BWC video, at approximately 04m37s, PO Karim and PO Kissane approach § 87(2)(b) while PO Karim states, "Come on. Come on. You're done. You're under arrest." § 87(2)(b) steps away from the officers with his arms out to the side while stating, "For what? I didn't do anything." PO Kissane walks past PO Karim and grabs § 87(2)(b) left arm using both hands. § 87(2)(b) appears to swing his arm upwards as PO Kissane grabs his left hand. § 87(2)(b) states, "I didn't do anything," and appears to attempt to pull away from PO Kissane. PO Kissane pulls § 87(2)(b) toward the bed. § 87(2)(b) attempts to stop this by placing his right arm against the bed and holding himself upright. PO Kissane then pushes § 87(2)(b) by the upper back and neck area, causing § 87(2)(b) to fall face down on the bed. PO Karim then grabs § 87(2)(b) left arm while stating, "Stop resisting," and attempts to put handcuffs on § 87(2)(b)

PO Kissane's BWC video appears to be similar to PO Karim's BWC video. Starting at 01m48s, the entry into the bedroom is seen. PO Karim states, "Come on. Come on. You're done. You're under arrest," as he gestured toward § 87(2)(b) to go toward the officers. § 87(2)(b) is seen stepping away from the officers as they enter the bedroom. PO Kissane steps toward § 87(2)(b) and grabs his left arm. § 87(2)(b) appears to pull away from PO Kissane and the video shakes roughly, indicating a struggle as PO Kissane pulls § 87(2)(b) toward the bed. PO Kissane briefly pushes § 87(2)(b) down near the upper back and neck area before PO Kissane pulls § 87(2)(b) right arm behind his back after he is placed on the bed.

According to PO Karim, he and PO Kissane entered the bedroom once the door was opened. § 87(2)(b) was near a window located next to a bed. § 87(2)(b) backed away from the officers as they entered. PO Karim informed § 87(2)(b) that his was under arrest multiple times. Once inside, PO Karim and PO Kissane grabbed § 87(2)(b) left arm. § 87(2)(b) pulled away from the officers and actively resisted. § 87(2)(b) refused to provide his right arm. PO Karim did not state if § 87(2)(b) provided any additional resistance at the time aside from pulling away. PO Karim and PO Kissane managed to pull § 87(2)(b) onto his bed. § 87(2)(b) continued to resist by pulling his right arm away from the officers.



According to PO Kissane, once he approached § 87(2)(b) he refused to show his hands and flailed them in the air and acted erratic. PO Kissane grabbed § 87(2)(b) by one of his shoulders and pulled him onto a bed. PO Karim also grabbed a shoulder and helped pull § 87(2)(b) onto the bed. PO Kissane described the force used to pull § 87(2)(b) onto the bed as “minuscule, if any.” § 87(2)(b) resisted PO Kissane and PO Karim by pulling away from the officers, flailing his arms, and shouting.

Officers can use reasonable force in order to gain control or custody of a subject. In determining whether the use of force is reasonable, officers should consider the actions taken by the subject, duration of the action, the immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders, whether the subject is actively resisting custody, and the size, age, and condition of the subject in comparison to the officers. Patrol Guide Procedure 221-01: Force Guidelines (Board Review 42).

Officers repeatedly informed § 87(2)(b) that he was being arrested prior to entering the bedroom and prior to officers making physical contact with § 87(2)(b). Additionally, all parties agree that PO Kissane forcibly placed § 87(2)(b) onto his bed in order to make the arrest. BWC video footage corroborates officers’ statements that § 87(2)(b) resisted during the time of the arrest by pulling his arm away from PO Kissane as he attempted to arrest § 87(2)(b). § 87(2)(b) pulled away from the officers, and took action to prevent officers from placing him in handcuffs.

According to the Patrol Guide, officers are permitted to use reasonable force in order to gain control or custody of a subject. Officers informed § 87(2)(b) multiple times that he was under arrest prior to the entry into the bedroom. § 87(2)(b) actively resisted being placed in handcuffs when PO Kissane attempted to place him under arrest. PO Kissane’s actions were limited to placing § 87(2)(b) face-down on a bed – akin to placing him on the ground – to hinder his ability to resist being placed in handcuffs. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

#### **Allegation (H) Force: Police Officer Nicole Krauss used a non-lethal restraining device on**

§ 87(2)(b)

According to § 87(2)(b) once he was pushed onto the bed, he immediately felt a shock that went throughout his body. § 87(2)(b) saw the prongs of a taser located on his left shoulder/bicep area. § 87(2)(b) stated that PO Kissane was the one who tased § 87(2)(b). § 87(2)(b) was then placed in handcuffs.

The investigation received the taser data sheet, which confirmed that PO Krauss discharged the taser toward § 87(2)(b) (Board Review 43).

In PO Krauss’ BWC video, PO Krauss is inside § 87(2)(b) bedroom. An officer tells § 87(2)(b) not to resist while § 87(2)(b) states, “I didn’t do anything.” At 02m39s, a taser is briefly seen in PO Krauss’ right hand as she moves toward PO Karim and PO Kissane. Both PO Karim and PO Kissane appear to be holding § 87(2)(b) down. The footage captures the sound of the taser being discharged and § 87(2)(b) scream. Multiple officers state, “Stop resisting,” as § 87(2)(b) is tased. § 87(2)(b) is then placed in handcuffs by PO Kissane.

In PO Rose’s BWC video (Board Review 02), at 04m38s, PO Rose enters the room. PO Kissane attempts to grab § 87(2)(b) as he pulls his arm away and moves his arm above his head. At 04m42s, an officer states, “Don’t resist or you’re gonna get tased.” PO Kissane pushes § 87(2)(b)

against the bed as § 87(2)(b) shouts, “I didn’t do anything,” and resists efforts to move him to the bed. Once PO Kissane places § 87(2)(b) face-down on the bed, PO Karim and PO Rose move forward to assist in holding § 87(2)(b) and place their hands on § 87(2)(b) back. As they do so, the footage captures the sound of a taser being discharged. Additional officers are depicted in the doorway to the bedroom. After the taser discharge, multiple officers assist in placing handcuffs on § 87(2)(b).

According to PO Krauss, she responded to the incident location regarding a dispute with a knife. Once at the location, PO Krauss saw other officers speaking to § 87(2)(b) and requesting him to exit the room. § 87(2)(b) refused to exit the room and closed the door on the officers. Once the door was opened again, PO Krauss entered in order to arrest § 87(2)(b) for menacing with a knife. PO Kissane and PO Karim attempted to grab § 87(2)(b) arms in order to handcuff him, but he moved his arms around, preventing officers from handcuffing him. PO Krauss decided to deploy her taser at this time in an attempt to de-escalate the situation and to prevent both § 87(2)(b) and the officers from getting hurt. As soon as the taser hit § 87(2)(b) he was compliant and stopped resisting, allowing officers to place handcuffs on him.

A Conducted Electrical Weapon (CEW) should only be used against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or other person(s) actually present. Active resistance is defined as “physically evasive movements to defeat [an officer’s] attempt at control” including bracing, tensing, and pushing. Active aggression is defined as “a threat or overt act of an assault coupled with the present ability to carry out the threat of assault.” When using the CEW, officers are directed to consider the totality of the circumstances when deciding the reasonable amount of force necessary to overcome resistance when effecting an arrest, including the actions taken by the subject, duration of the action, immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders, and whether the subject is actively resisting custody. Officers should issue, if possible, and appropriate verbal warning, consistent with personal safety, to the intended subject. Patrol Guide 221-08: Use of a Conducted Electrical Weapon (Board Review 51).

The investigation concluded that PO Krauss discharged a taser as officers attempted to arrest § 87(2)(b) due to her confirmation that she performed this action and BWC videos depicting her taser discharge.

As discussed under Allegation G, BWC footage shows § 87(2)(b) refusing officers’ initial attempts to place him in handcuffs and § 87(2)(b) physical resistance to officers’ efforts to handcuff him, most notably by pulling his arm away from PO Kissane as he attempted to grab him so that he could be handcuffed. As further discussed under Allegation G, PO Rose’s BWC footage clearly shows that officers placed § 87(2)(b) face-down on the bed. Once § 87(2)(b) was face-down on the bed, he was effectively restrained and his ability to resist the officers’ attempts to handcuff him was minimized. The BWC does not depict that § 87(2)(b) continued to engage in significant active resistance or active aggression after he was moved to the face-down position on the bed. Further, three other officers were in the immediate vicinity of § 87(2)(b) and were restraining § 87(2)(b) on the bed at the time the taser was discharged. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

### **Civilian and Officer CCRB Histories**



- § 87(2)(b) [REDACTED]
- PO Karim has been a member of service for 14 years and has been a subject in six CCRB complaints and eight allegations, none of which were substantiated. § 87(2)(g) [REDACTED]
- PO Rose has been a member of service for four years and has been a subject in one CCRB complaint and one allegation, which has not been substantiated.
- PO Kissane has been a member of service for two years and has been a subject in one CCRB complaint and 14 allegations. The complaint is still open.
- PO Krauss has been a member of service for five years and has been a subject in one other CCRB complaint and one allegation, which has not been substantiated.

#### **Mediation, Civil, and Criminal Histories**

- This complaint was not suitable for mediation.
- § 87(2)(b) [REDACTED] filed for a Notice of Claim with the City of New York claiming left arm injury, two scars on left arm, bilateral wrist pain, swelling, psychological damage, embarrassment, humiliation, and shame and seeking \$2,000,000.00 as redress (Board Review 47). § 87(2)(b) [REDACTED]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]

Squad: 12

Investigator:	<u>Shadman Khan</u> Signature	<u>Investigator Shadman Khan</u> Print Title & Name	<u>January 3, 2022</u> Date
Squad Leader:	<u>Carlmais Johnson</u> Signature	<u>IM Carlmais Johnson</u> Print Title & Name	<u>January 4, 2022</u> Date
Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date